

REMARKS

Claims 1-15, 17-18, 27-28 and 31-74 have been cancelled. Claims 16, 19, 21 and 29 have been amended. Claims 75-78 have been added. Claims 16, 19-26, 29-30 and 75-78 should be pending after entry of this amendment.

Claims 16-30 were rejected over U.S. Patent No. 6,482,307 ("Ashjaee") in view of U.S. Patent Publication 2002/0077031 ("Johansson"). Applicant respectfully traverses the Examiner's rejection.

Claim 16 has been amended to recite a first electrode substantially spanning the platen and having an aperture therethrough, and a housing positioned partially in a cavity in the platen and having a portion extending above a top surface of the platen and through the aperture in the first electrode.

The Examiner argues that it would have been required for the first electrode to have an aperture so that the eddy current sensor could have been placed as close to the surface as possible. Applicant respectfully disagrees. An aperture in an electrode that spans the platen would not have been required. Rather, Ashjaee's anode could have been removed entirely from the platen and placed in the wier 9c. Thus, the system would not have any electrode between the polishing pad and the platen, as shown by Johansson.

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) (citation omitted).

It is respectfully submitted that the proposed combination is based on improper hindsight reasoning, utilizing Applicant's specification inadvertently as a guide for the proposed modification of the various references so as to reach the claimed invention.

Applicant : Mavliev et al.
Serial No. : 10/773,868
Filed : February 6, 2004
Page : 6 of 6

Attorney's Docket No.: 008343-540001

Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 12/28/05

David J. Goren
David J. Goren
Reg. No. 34,609

Telephone: (650) 839-5070
Facsimile: (650) 839-5071